

the suit is pending, and the amended pleading does not set up a new cause of action, the filing of such amended pleading for five full days among the papers of the cause, shall be sufficient service of notice thereof, and no motion to strike out such amended pleading for failure to serve notice thereof, or for defective service of notice thereof, shall be filed in any case after the first day of the next succeeding term of the court after the filing of such amended pleading."

Adopted by the following vote:

YEAS—22.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Burges,	Pope,
Burney,	Seale,
Clalborne,	Sims,
Cranford,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Jarvis,	Woodward.

NAYS—None.

ABSENT—2.

Johnson, Simkins.

The bill as amended was passed.

On motion of Senator Pope,

The Senate adjourned till 10 o'clock Monday morning.

TWENTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, February 4, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,

The reading of the Journal was dispensed with.

On motion of Senator Kimbrough, Senator Lane was excused for to-day, on account of important business.

On motion of Senator Jarvis, Senator Townsend was excused for to-day, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Abercrombie:

Petition from the citizens of Walker county, asking that occupation tax laws be repealed as to certain occupations.

Referred to Committee on Finance.
By Senator Cranford:

Petition from citizens of Hopkins county, asking that exempt personal property be prohibited from mortgage.

Referred to Judiciary Committee No. 1.

And a

Petition from citizens of Hopkins county, asking repeal of certain occupation taxes.

Referred to Committee on Finance.

By Senator Jarvis:

Petition of members of the bar of Fort Worth, asking that the Supreme and Appellate Courts be consolidated at Austin.

Referred to Committee on State Affairs.

By Senator Stephens:

Memorial from citizens of Hall county, praying to be permitted to remain attached to Donley county for judicial and other purposes.

Referred to Committee on Judicial Districts.

By Senator Kimbrough:

Petition of John H. Cochran and a hundred and fifteen other tax payers and free-holders of Dallas, praying for a law permitting the issuance of bonds to a limited extent to be applied to improving the public roads.

Referred to Committee on Roads and Bridges.

REPORTS OF STANDING COMMITTEES.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, February 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Agriculture, to whom was referred

Senate bill No. 171, entitled "An act to regulate the sale of cotton in the seed, and to provide a punishment for its violation,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Agriculture, to whom was referred

Senate bill No. 157, entitled "An act

to amend sections 5 and 6, chapter 105, of an act to create a bureau of agriculture for the State of Texas, and attach it to the Department of Insurance, Statistics and History, approved April 1, 1887."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment:

In section 6, line 23, strike out figures "121-2" and insert in lieu thereof the figure "10."

All of which is respectfully submitted.

HARRISON,
Chairman.

Bill read first time.

By Senator Upshaw:

COMMITTEE ROOM,
AUSTIN, February 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 2, to amend section 11, article 16, of the Constitution of the State of Texas,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

UPSHAW,
Chairman.

Bill read first time.

Senator Allen sent up the following:

MINORITY REPORT.

The undersigned, a minority of your Committee on Constitutional Amendments, beg leave to differ in opinion and judgment from the majority, and submit that constitutional amendment No. 2 be adopted by the Senate and for the following reasons:

1. We believe that interests above eight per cent per annum are too high and damaging to the general welfare of the country.

2. The people demand it and we believe will favor the amendment with great unanimity.

3. The conventional interest is very much disregarded or else is a means of working more easily a usurious rate.

4. A low rate of interest will tend to increase wages and better enable those who are without lands and houses a better chance to secure them.

6. Texas has the highest rate of interest among the Southern States.

7. We believe that a high rate of

interest is incompatible with free government.

ALLEN,
CLAIBORNE.

COMMITTEE ROOM,
AUSTIN, February 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 3, to amend section 4, article 6, of the Constitution of the State of Texas,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[This bill provides for the registration of voters in cities containing a population of ten thousand voters, and in all counties bordering on the Rio Grande, and in such other counties as the Legislature may deem advisable.

All of which is respectfully submitted.

UPSHAW,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 14, amending article 8 of the Constitution of the State of Texas, by adding thereto section (20) twenty authorizing the securing of a deep water harbor on the coast of this State.

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

UPSHAW,
Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 33, entitled "An act to amend section 2 of an act to prevent fishing and hunting on the enclosed lands of another, approved March 31, 1885,"

Which seeks to apply the existing

law to all enclosures, without regard to area,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 119, entitled "An act to amend article 680, chapter 3, title 17, of the Penal Code of the State of Texas, preventing cruelty to animals,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 49, entitled "An act to amend articles 237 and 238, title 5, chapter 2, of the Code of Criminal Procedure, so as to authorize magistrates to direct warrants of arrests to be executed anywhere in the State, and by any peace officer in the State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time with amendments as follows: .

COMMITTEE AMENDMENTS.

Amend article 238 so as hereafter to read as follows:

Article 238. When any warrant of arrest is issued by any judge or magistrate in this State, as provided in the preceeding article, and the person or

persons whose arrest is ordered in the warrant, is charged with the commission of a felony in the cause in which the warrant was issued, such warrant of arrest may be executed anywhere in the State, by any peace officer in the State authorized to execute warrants of arrest under the laws of this State, and such officer may go into any county in the State to execute such warrant. And when a warrant of arrest is issued by any magistrate other than the judge of the supreme court, court of appeals, district or county court, it cannot be executed in any other county than the one in which it issued, except it be endorsed by some judge of the supreme court, court of appeals, district or county court in this State, in which case it can be executed anywhere in this State; or if it be endorsed by any magistrate in the county in which the accused is found, it may be executed in such county.

The indorsement may be, "Let this warrant be executed in the county of" (naming it), or, if the indorsement is by any judge of the Supreme Court, Court of Appeals, district or county court, "Let this warrant be executed in any county in the State of Texas." Any other words expressing the same meaning will be sufficient. The indorsement shall be dated and signed, especially by the magistrate making it.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 155, entitled "An act to prohibit all persons who are now or that may hereafter be authorized to celebrate the rites of matrimony in this State from solemnizing the rites of matrimony between all persons prohibited to marry by the laws of this State, and to compel such persons who solemnize the rites of matrimony to endorse the same on the marriage license and make return of the same to the office of the county clerk in which such marriage license issued within sixty days after the celebration of such rite of matrimony, and prescribing a penalty for violating the provisions of this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 1, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 110, entitled "An act providing money lenders in loaning money shall lend a sum not less than the amount named on the face of the note, and affixing the pains and penalties therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to Judiciary Committee No. 1, that it may be considered in connection with a similar bill now pending before said committee.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

The bill was referred to Judiciary Committee No. 1.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 133, entitled "An act to provide against the sale of unlawful weapons to minors; and to affix the penalty therefor,"

Have had the same under consideration, and recommend that it be amended by striking out section 2 of the bill, and further instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

Senator Frank sent up the following minority report:

Hon. T. B. Wheeler, President of the Senate:

A minority of Judiciary Committee No. 2, to whom was referred

Senate bill No. 133, differing in its view on said bill, from a majority of said committee, beg leave to submit this minority report, and the following

reasons for our support of said bill as amended and ask the adoption of this minority report and the passage of this bill:

1. There is a penal statute in this State prohibiting the carrying of concealed weapons (articles 318 and 320, Penal Code) such as are mentioned in this bill, and punishing the violation of said statute by fine.

2. It should be the policy of the law to remove temptation from before the citizen, and especially the minors of our country, and we believe such a policy can be inaugurated by the passage of this bill and result in great good to our people.

3. If deadly weapons are not sold or given to minors, minors will most probably not have them, and not having them, cannot carry them, and thereby become violators of the law. The records of our various courts show that a majority of the persons charged with the violation of articles 318 and 320, Penal Code, are minors. This bill seeks to restrain the sale or gift of such deadly weapons as are mentioned in articles 318 and 320, Penal Code, to minors under penalty of pecuniary fine against the seller or giver, and in view of the fact that our penal laws forbid and punish the carrying of concealed weapons we believe it would be a wise provision to add to our code the law contemplated in this bill and prohibit the sale or gift to any minor in this State of any of the weapons described in articles 318 and 320 of the Penal Code of this State.

4. The passage of this bill into a law would remove the temptation from a large class of our thoughtless young men, who, no doubt, have fallen into the pernicious habit of carrying concealed weapons, because, in many instances, of the glittering temptation presented to them in inviting show cases bedecked with bright pistols, dirks, etc., and the easy terms on which such things can be bought; and also of the obliging disposition on the part of many friends to loan to rash and thoughtless youths their "guns," that the youngster might go "heeled," and on the slightest provocation, and frequently without any provocation, seek and bring on a difficulty and shed the blood of his fellow man—whence, if the purchase or loan of such weapons to minors was forbidden, our young men would go unarmed, greatly to their credit and to the security, peace and quiet of all communities.

Whereupon, a minority of said com-

mittee asks that the report of the majority of said committee be rejected and that this minority report be adopted and that this bill pass.

All of which is respectfully submitted.

FRANK,
WOODWARD,
STEPHENS,
CRANFORD.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 175, entitled "An act to repeal article 797, chapter 17, of the Penal Code," which article refers to the fraudulent disposition of mortgaged property,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 192, entitled "An act to amend chapter 2, of title 8, of the Penal Code, by adding thereto another article to be known as article 198c," which seeks to punish by confinement in the penitentiary any person who shall make any false affidavit, knowing the same to be false, against the State or any county or city in this State, whereby their liability is sought to be increased from what it lawfully is.

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 202, entitled "An act to punish persons in this State who wilfully, wrongfully and fraudulently avoid the payment of taxes on personal property subject to taxation, by concealing the ownership of same from the proper tax assessor, or by removing the same out of the State for that purpose,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 78, entitled "An act to amend article 278, title 13, chapter 1, of the Revised Civil Statutes of the State of Texas, so as to prohibit railroad companies and all other common carriers of goods, wares, merchandise and live stock for hire, and their connecting lines within this State from limiting or restricting their liability as it exists as common law,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend by fixing the time within which the shipper must give notice to the railroad company of claim for damages to ninety days.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 208, entitled "An act to require railroad companies to keep and maintain permanently their general offices within the State of Texas at certain places, and to keep books, accounts, etc., of said officers, and providing penalties for failing to comply therewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 207, entitled "An act to amend sections 2 and 6, chapter 131, of an act to provide for the appointment of receivers and define their power and duties, passed by Twentieth Legislature,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13, being "An act to amend chapter 4, title XCV. of the Revised Civil Statutes of the State of Texas by adding thereto article 4761a."

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 54, being "An act to amend chapter 3, title 17, of the Penal Code of the State of Texas, by adding thereto article 688,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 148, being "An act to regulate the sale and transfer of judgments of courts of record, or of causes of action or interest therein where suit has been filed thereon, and providing for recording such transfers,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 21, being "An act to provide for the better assessment of personal or movable property in the State of Texas liable or subject to taxation under the laws of this State,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 137, entitled "An act to relieve commercial travelers or drummers and all persons who have formed a museum consisting mainly of Texas products from the payment of occupation tax."

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 82, being "An act to prevent unlawful combinations in restraint of commerce and trade, and to insure free competition in all branches thereof throughout the State of Texas, to define said offense and punish persons violating the same,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 191, being "An act to define, fix and establish the boundary lines of Brewster and Jeff Davis counties,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Jarvis:

COMMITTEE ROOM,
AUSTIN, February 4, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 209, entitled "An act to amend section 15, chapter CXXXIII, of an act to provide for the assessment and collection of taxes on lands and other property situated in the unorganized counties, and for the enforcement of the same, approved April 22, 1879,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 4, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 201, entitled "An act to be entitled an act to amend an act entitled an act to provide for the payment of the bonds of the State of Texas that will become due and that are retirable in the years 1876 and 1879, and to make adequate provision for the floating indebtedness of the State and to supply deficiencies in the revenue by the sale of bonds of the State, and to make an appropriation to carry into effect the provisions of the same, approved July 6, 1876,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

(Senator Armistead in the chair.)

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 211, entitled "An act to regulate railroads doing business in the State of Texas, to fix maximum rates of freight charges on all classes of freights, to compel all such railroad companies to establish classifications on all kinds of freights and to divide all freights in classes ranging from one to ten inclusive, to prevent unjust discriminations, extortion, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass. It be considered in connection with Senate bill No. 5 on same subject.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 81, entitled "An act to amend article 4257, title 84, chapter 11, of the Revised Civil Statutes of the State of Texas, so as to make the freight by railroads and their connecting lines within this State uniform and to make it unlawful for any railroad company and its connecting lines to make unjust discrimination in the transportation of freight within this State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. 5 on same subject.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.
(The President in the chair.)

BILLS AND RESOLUTIONS.

By Senator Stephens:

CONCURRENT RESOLUTION.

Resolved by the Senate of Texas, the House of Representatives concurring,
That the Legislature adjourn sine die on Saturday, March 9, A. D. 1889.

Ordered to lie over one day under the rules.

Senator Armistead offered the following resolution:

Resolved, That Dan Arnold be and he is hereby allowed and permitted to place a lunch stand in the hall or near the entrance to the outer door of the Senate chamber in such a place as not to conflict with the rights of others already stationed there by virtue of resolutions of the Senate.

On motion of Senator Pope, the resolution was referred to the Committee on Rules by the following vote:

YEAS—11.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Burney,	Pope,
Clalborne,	Seale,
Frank,	Stephens,
Harrison,	

NAYS—10.

Armistead,	Maetze,
Cranford,	Simkins,
Field,	Tyler,
Glasscock,	Upshaw,
Jarvis,	Woodward.

ABSENT—1.

Burges.

By Senator Frank:

A bill to be entitled "An act to protect the buffalo, deer and antelope in this State from wanton destruction."

[This bill provides that for a period of five years it shall be unlawful for any person to kill, ensnare or trap any wild buffalo, deer or antelope, except for his own use or that of his family for food, and any person who violates this shall be, upon conviction, fined not less than ten nor more than

one hundred dollars; each and every day so engaged shall constitute a separate offense.

The bill also provides the same penalty for those marketing or bartering such animals.]

Referred to Judiciary Committee No. 2.

A bill to be entitled "An act to amend sections 1, 4, 6, 51, 61, 62, 63, 64 and 65 of an act entitled an act to provide for the organization of the state penitentiaries and for the more efficient management of the same, approved March 17, 1881."

[The bill provides that the Governor shall appoint, the Senate concurring, a Penitentiary Board, consisting of three men, to serve two years, and whose acts must be approved by the Governor. That said board may sell or exchange any land or other property belonging to the penitentiaries; that assistant superintendents receive an annual salary of two thousand dollars, the chaplain six hundred and the physician twelve hundred.]

Referred to Committee on Penitentiaries.

By Senator Tyler:

A bill to be entitled "An act to promote uniformity in school text books in school districts and in school communities in cities and towns."

[This provides that a majority of all the trustees of any school district or community or of any city or town having exclusive control of its schools may adopt and prescribe the use of a uniform text book or books, and that when a book has been adopted it shall not be changed within five years, except upon the written application of a majority of its patrons.]

Referred to Committee on Education.

By Senator Glasscock:

A bill to be entitled "An act to amend article 4249, chapter 10, title 84, of the Revised Civil Statutes."

[This bill seeks to more fully define and to require more extensive annual reports of railroad corporations.]

Referred to Committee on Internal Improvements.

By Senator Clalborne:

A bill to be entitled "An act entitled an act to amend article 218 of the Penal Code of the State of Texas."

[Provides that any person convicted of a misdemeanor or petty offense, and afterwards hired out, or put to work on the manual labor farm, or public improvements of the county, who shall

escape, shall be punished by imprisonment in the county jail not exceeding two years, subject to hard work.

Referred to Judiciary Committee No. 2.

Fy Senator Stephens:

A bill to be entitled "An act to amend chapter XXV of the acts of the called session of the Eighteenth Legislature, known as the public free school law, passed on the fourth day of February, 1884, by adding sections 30a, 30b and 30c."

[This bill provides that any school district adjoining an incorporated city or town, may be included within such city or town for school purposes, by submitting to given requirements; and that when such district is so attached it shall be subject to regulations of such city or town, and also receive the school benefits of the same.

Referred to Committee on Education.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 4, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I beg to inform the Senate that the House has adopted the Senate concurrent resolution to appoint a joint committee of two Senators and three Representatives to visit the North Texas Insane Hospital at Terrell, Texas, and that the House has adopted the Senate concurrent resolution to appoint a joint committee to visit the institutions of learning in the State, with amendments, and that the House has passed

Senate bill No. 107, entitled "An act to amend section 37 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Forty-fifth judicial district of Texas, fix the time for holding court therein and fixing time for holding court in the Thirty-seventh judicial district, and to provide for the appointment of a district judge for said Forty-fifth judicial district, and to provide for the venue of causes in said courts, and to regulate the transfer thereof from one of said courts to the other."

By a vote of

Yeas, 41; nays, 34.

W. M. IMBODEN,
Chief Clerk House of Representatives.

SENATE CONCURRENT RESOLUTION:

Resolved, That a joint committee of two from the Senate and three from the House be appointed to visit the North Texas Insane Hospital, at Terrell, and to examine and report the condition of the same, and to make such recommendations as they may deem best for that institution, and that the actual expenses of the trip be paid out of the contingent fund in each house.

Adopted by the House February 2, 1889.

W. M. IMBODEN,

Chief Clerk House of Representatives.

The President appointed Senators Woodward and Cranford on the part of the Senate to visit the North Texas Insane Asylum at Terrell.

On motion of Senator Upshaw,
By unanimous consent of the Senate,

The special order was suspended, and

Senate bill No. 200, a bill to be entitled "An act to amend article 3597 of the Revised Civil Statutes of the State of Texas,"

Was laid before the Senate and

Read the second time,

With a committee amendment as follows:

COMMITTEE AMENDMENT.

Add section 2:

"Whereas, the interests of the State and of the different counties create an imperative public necessity for the suspension of the constitutional rule which requires that all bills be read on three several days, said rule is therefore suspended; and an emergency exists that this act should take effect from and after its passage, and it is so enacted."

The committee amendment was adopted.

Senator Kimbrough moved to amend by striking out "twenty-five cents," and inserting "fifty cents."

Adopted.

Senator Seale moved to amend by adding "provided such work shall be performed on public streets or roads, or on county poor farms."

Adopted.

Senator Glasscock moved to amend by inserting after Senator Seale's amendment the words "no convict under this act shall ever be required to work or be hired for more than one year."

Adopted.

Senator Stephens moved to add the following proviso:

Provided, that if no such public work is furnished, such prisoner shall be allowed the sum of one dollar per day during the time he is in confinement.

Senator Stephens spoke in favor of his amendment, and

Senators Upshaw and Glasscock opposed it.

The amendment was lost, and

The bill as amended was ordered engrossed.

Senate bill No. 120, a bill to be entitled "An act to amend article 339, chapter 83, of the General Laws of Texas, approved March 29, 1887, and article 341, chapter 4, title X, of the Penal Code of the State of Texas, and by adding thereto articles 341a and 341b," was laid before the Senate and read the second time with a committee amendment, as follows:

In line 12 of article 341a substitute for the words "two hundred dollars" the following: "Not less than one hundred dollars nor more than five hundred dollars."

The committee amendment was adopted.

Senator Upshaw moved to amend by adding the word "knowingly" after the word "shall," in line 4, article 341a.

Adopted.

Senator Kimbrough moved to amend article 341a by inserting the words "dance house" after the word "theater," in line 2.

Adopted.

Senator Tyler moved to amend article 341 by striking out all after the word "house," in line 10, page 2.

Lost by the following vote:

YEAS—10.

Armistead,	Harrison,
Burges,	Johnson,
Burney,	Maetze,
Cranford,	Tyler,
Glasscock,	Upshaw.

NAYS—12.

Abercrombie,	Kimbrough,
Allen,	Pope,
Claiborne,	Seale,
Field,	Simkins,
Frank,	Stephens,
Jarvis,	Woodward.

Senator Kimbrough moved to amend by inserting the word "reliable" after the word "having" in line 11.

Lost.

Senator Simkins moved to amend article 341 in line 18, page 2, by adding after the word "act," "or take such other action as may reasonably accomplish such result."

Adopted by the following vote:

YEAS—14.

Abercrombie,	Jarvis,
Allen,	Kimbrough,
Armistead,	Pope,
Claiborne,	Seale,
Field,	Simkins,
Frank,	Stephens,
Glasscock,	Woodward.

NAYS—8.

Burges,	Johnson,
Burney,	Maetze,
Cranford,	Tyler,
Harrison,	Upshaw.

Senator Field moved to strike out in line 16, article 341, the words "by causing to be instructed criminal prosecutions" and inserting in lieu thereof the following words, "by giving such information to the county or district attorney."

Adopted.

Senator Glasscock moved to amend by inserting after the word "house," in line 10, page 2, article 341, the following words: "Every person leasing any house or other premises, and using the same for the purposes prohibited in this act, shall forfeit his or their lease for the same, and the owner of the same or his agent shall be authorized to take possession of such leased premises."

Senator Stephens moved to

Amend article 241 by striking out, in line 11, the word "information," and inserting in lieu thereof the words "notice in writing from any peace officer in this State."

Senator Pope moved the previous question on the amendments and the bill.

Seconded.

The main question was ordered and Senator Stephens' amendment was lost by the following vote:

YEAS—5.

Glasscock,	Stephens,
Jarvis,	Woodward.
Pope,	

NAYS—17.

Abercrombie,	Burges,
Allen,	Burney,
Armistead,	Claiborne,

Cranford,	Maetze,
Field,	Seale,
Frank,	Simkins.
Harrison,	Tyler,
Johnson,	Upshaw.
Kimbrough,	

Senator Glasscock's amendment was lost by the following vote:

YEAS—8.

Armistead,	Harrison,
Burges,	Johnson,
Burney,	Maetze,
Glasscock,	Tyler.

NAYS—14.

Abercrombie,	Kimbrough,
Allen,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Upshaw,
Jarvis,	Woodward.

The bill as amended was ordered engrossed by the following vote:

YEAS—13.

Abercrombie,	Kimbrough,
Allen,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Woodward.
Jarvis,	

NAYS—9.

Armistead,	Johnson,
Burges,	Maetze,
Burney,	Tyler,
Glasscock,	Upshaw.
Harrison,	

The following message was received from the Governor, and on motion of Senator Burges it was referred to the Committee on Stock and Stock Raising, and ordered printed in the Journal, to-wit:

To the Honorable Senate and House of Representatives:

I have the honor to submit herewith for your consideration an official communication from his Excellency Lyman U. Humphrey, conveying the subjoined concurrent resolution of the honorable Legislature of the State of Kansas, bearing upon a matter of great and widespread interest to the people of our State. There can be but little doubt concerning the unjust oppression which is visited with unusual

severity upon that portion of the community engaged in the stock industry by this association of individual capital known as the "beef and pork trust or combine."

The interest of many of the States in this matter is in the end the same, and they are seeking by proper remedial legislation to remove the restriction which debars their people from that measure of success so necessary to their prosperity. While the action suggested does not embody the idea or purpose of such a consolidation or concentration of powers as would enable a distant authority to take care of what concerns each State directly within its local bounds, as the most competent administrator for its domestic affairs. In view of the magnitude and importance of the work which your honorable bodies have under deliberation, coupled with the limited time allowed for the contemplated convention leads me to doubt its feasibility at this time.

Should you deem it incompatible with your legitimate line of action to comply with this request for the joint action of the States so deeply interested in this subject, I submit for your superior discretion and judgment the propriety of such action as may be necessary to voice your earnest solicitude and sympathy with the effort to formulate laws to impair the power of these combinations to rob our people of the fruits of their honest industry and capital.

L. S. ROSS,
Governor.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
TOPEKA, January 28, 1889. }

Governor of Texas:

DEAR SIR—I have the honor to inclose copies of Senate concurrent resolution No. 9, which has been adopted by the Legislature of the State of Kansas, providing for an inquiry into the so-called "beef and pork trust" or "combine," looking to co-operation among the States especially concerned, with a view to uniform legislation to restrain or cure the evils complained of in the resolution.

As relief must come, if at all, through concerted legislative action of the several States, it is proposed that a convention of members of the legislative bodies of the States interested be held at some convenient place and time, in the near future, in which each State shall be represented by three mem-

bers of the Senate and five of the House, with a view to agreeing on a uniform bill for submission to their respective bodies.

As the legislative term of Kansas is limited to fifty days, expiring about March 1, proximo, I trust that the time for such convention may be fixed at as early date as practicable.

The object of legislative restriction or prevention of these "combines or trusts" is of growing importance, and, in my opinion, the question demands careful and intelligent inquiry and prompt action.

I trust that your Excellency will be pleased to lay the matter before your Legislature at once.

Will you have the kindness to communicate by letter your disposal of the resolution, and, briefly, your views as to the method proposed therein to reach desired results. I would further respectfully request that you telegraph, at the expense of this Department, what, if any, action may be taken by your Legislature, bearing on the subject of the resolution.

Very respectfully,

[Signed]

LYMAN U. HUMPHREY,
Governor.

By Senator Gillett:

SENATE CONCURRENT RESOLUTION
NO. 9.

WHEREAS, In the minds of the stockgrowers of the State of Kansas there exists a great distrust as to the intent, purpose and action of an alleged "beef and pork combine" or "trust," so-called; and

Whereas, It is publicly asserted, and generally believed, that such alleged "combine" or "trust" is directly responsible for the present low price of the beef product; and

Whereas, It is claimed that such alleged "combine" or "trust" has exerted a powerful influence towards centralizing the market in Kansas City and Chicago, thereby bringing the beef and pork product of the United States under their absolute control; and

Whereas, The prices now offered for beef, cattle and hogs allow the producer little, if any, profit, the cost of production equaling the prices allowed and paid by said alleged "combine" or "trust," thereby injuring and destroying one of the greatest industries of the West; and

Whereas, It is urged and desired that the operations, intent and pur-

pose of such alleged "combine" or "trust" should be fully investigated, and such legislation enacted as will tend to protect the stockgrower and farmer against the manipulations of such alleged "trust," or if the allegations and charges above set forth are unfounded and do not exist in fact, then that the public through such investigation of the matter may be fully advised and informed in the premises.

Therefore be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:

First, That the Governor of the State of Kansas be and he is hereby requested to correspond with the Governors of interested States, with a view to securing joint action of such States in matters of legislation affecting such alleged "beef and pork combine" or "trust," so-called.

Second, That if, in such correspondence, it shall be found expedient, the Governor is further requested to take such steps as will secure a convention of members of the Legislature of the several States interested with a view to securing and the perfection of uniform legislation concerning such "trust" or "combine."

Third. That if, in such correspondence, it shall be found that such convention can be held, then the Governor, on behalf of the State of Kansas, is hereby authorized to agree upon a place and time for holding such convention.

Fourth. That, in the opinion of the Legislature of the State of Kansas, such convention should be composed of three Senators and five members of the House of Representatives from each State, appointed by the respective chief officers of such bodies.

Fifth. That the actual expense and mileage of members composing such convention should be paid by the State appointing the same.

On motion of Senator Glasscock,
Substitute for Senate bills Nos. 79 and 91, a bill to be entitled "An act amendatory of and supplementary to title LXXXVII, chapter 1, of the Revised Civil Statutes of the State of Texas, from article 4359 to 4390 inclusive, and the acts amendatory thereof passed at the called session of the Eighteenth Legislature, chapter XI, approved February 2, 1884, and chapter XIII, approved February 5, 1884, chapter XXIX, approved February 7, 1884, and acts of Nineteenth Legislature, page 92, chapter 202, approved March 31, 1885, and to repeal all of chapter 2 of title LXXXVII pertaining

to roads and bridges, and to authorize the commissioners' court to levy a tax and issue bonds to repair and improve the public roads of their respective counties, and to create a sinking fund to pay the same, and to authorize the commissioners' court to order elections to ascertain if any county or subdivision thereof are willing to be taxed to improve and keep in repair their public roads, and to repeal all laws or parts of laws not therein excepted, which are in conflict with this act."

With

Senate bill No. 92, a bill to be entitled "An act to create the office of county road overseer of the public roads in the organized counties of this State, and to prescribe the duties and powers of such officer, and to affix a penalty for violating the same, and to provide for a salary for such officers."

Was made the special order for tomorrow after morning call.

Senator Frank moved to reconsider the vote just taken.

Adopted.

On motion of Senator Glasscock,

The bills were then made the special order for Friday after morning call, and from day to day until disposed of.

Senate bill No. 21, a bill to be entitled "An act to provide for the better assessment of personal or movable property in the State of Texas liable or subject to taxation under the laws of this State,"

Was laid before the Senate and

Postponed till Wednesday, the 6th instant.

Senate bill No. 43, a bill to be entitled "An act to purchase state convict farms and improve the same and work convicts thereon, and to make an appropriation therefor," was laid before the Senate, and on motion of Senator Frank it was postponed and made the special order for next Saturday, after morning call.

On motion of Senator Abercrombie, by unanimous consent of the Senate, the regular order of business was suspended and the concurrent resolution providing for a joint committee to visit the State institutions of learning was laid before the Senate with two committee amendments, as follows:

Amend by striking out "three Senators" and "four Representatives" and insert "one Senator" and "two Representatives" and by striking out "committee clerk."

Senator Abercrombie moved that the Senate do not concur in the House amendments.

Senator Allen moved as a substitute for that motion that the Senate concur in the second committee amendment.

Lost.

Senator Abercrombie's motion was adopted and the House notified that the Senate refused to concur in the House amendments, etc.

The President relieved Senators Ingram and Morris from the special committee to investigate the facts set forth in the memorial of John M. Swisher, upon the statement of Senator Jarvis that Senator Ingram was sick and Senator Morris was absent on the committee to investigate the State prisons and farms.

The President appointed on said committee Senators Tyler and Seale.

On motion of Senator Burges, Senator Jarvis was also relieved from said committee, at his own request.

The President appointed Senator Johnson in lieu of Senator Jarvis.

Senator Johnson asked to be excused, and

Senator Stephens was appointed in his stead.

On motion of Senator Claiborne,

The Senate adjourned till 10 o'clock a. m. to-morrow.